

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LANCE T. PITTS,

Petitioner,

vs

9:03-CV-732

CALVIN WEST, Superintendent,

Respondent.

APPEARANCES:

OF COUNSEL:

LANCE T. PITTS

Petitioner, Pro Se

99-A-5699

Green Haven Correctional Facility

P.O. Box 4000

Stormville, NY 12582

HON. ANDREW M. CUOMO

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State of New York

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120 Broadway

New York, NY 10271

STEVEN H. SCHWARTZ, ESQ.

Asst. Attorney General

DAVID N. HURD

United States District Judge

DECISION and ORDER

Petitioner, Lance T. Pitts, brought this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. By a report recommendation dated January 11, 2007, the Honorable David R. Homer, United States Magistrate Judge, recommended that the petition for a writ of habeas corpus be denied. Petitioner has filed timely objections.

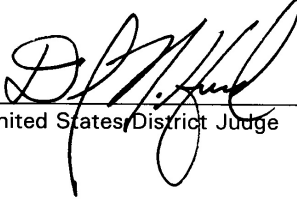
Based upon a de novo determination of the report and recommendation, including the portions to which petitioner objected, the Report-Recommendation is accepted and adopted in whole. See 28 U.S.C. 636(b)(1); Rule 10, Rules Governing Section 2254 Cases.

Accordingly, it is

ORDERED that the petition is DENIED and DISMISSED in its entirety.

IT IS SO ORDERED.

Dated: March 29, 2007
Utica, New York.


United States District Judge